

**REMARKS**

**General Remarks**

With this Amendment, Applicant amends Claims 5, 9, 15, 22, 23, 24, 29, 36-38, 48, and 53 and adds new Claims 58-63. No new matter is added. Therefore, Claims 1-63 are all the claims currently pending in the present application.

Allowable Subject Matter. The Examiner indicates that Claims 8-10, 22-24 36-38, 48, and 53 stand objected to, but would be allowed if rewritten into independent form, including all the limitations of the claims from which they depend. (Office Action, p. 16).

Applicant amends Claim 8 into independent form, including the limitations of Claims 1, 2, 5, 6, and 7, from which it previously depended. New independent Claim 58 includes the limitations of Claim 8 and of Claims 1, 3, 5, 6, and 7, from which Claim 8 previously, alternatively, depended. New independent Claim 59 includes the limitations of Claim 8 and of Claims 1, 5, 6, and 7, from which Claim 8 previously, alternatively depended. Claim 9 is amended to depend in the alternative from one of Claims 8, 58 and 59. Claim 10 depends from Claim 9.

Applicant amends Claim 22 into independent form, including the limitations of Claims 15, 16, 19, 20, and 21, from which it previously depended. New independent Claim 60 includes the limitations of Claim 22 and of Claims 15, 17, 19, 20, 21, and 22, from which Claim 22 previously, alternatively, depended. New independent Claim 61 includes the limitations of Claim 22 and of Claims 15, 19, 20, 21, and 22, from which Claim 22 previously, alternatively,

depended. Claims 23, 24, and 48 are amended to depend in the alternative from one of Claims 22, 60, and 61.

Applicant amends Claim 36 into independent form, including the limitations of Claims 29, 30, 33, 34, and 35, from which it previously depended. New independent Claim 62 includes the limitations of Claim 36 and of Claims 29, 32, 33, 34, 35, and 36, from which Claim 36 previously, alternatively, depended. New independent Claim 63 includes the limitations of Claim 36 and of Claims 29, 33, 34, 35, and 36, from which Claim 36 previously, alternatively, depended. Claims 37, 38, and 53 are amended to depend in the alternative from one of Claims 36, 62, and 63.

Therefore, in view of the above, Applicant submits that Claims 8-10, 22-24 36-38, 48, and 53 are currently in proper form for allowance and respectfully request the reconsideration and withdrawal of the objections thereto.

Claim Rejections. Claims 1, 15 and 29 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Losh, U.S. Patent No. 6,173,181 (“Losh”), in view of Leung et al., U.S. Patent No. 5,623,535 (“Leung”).

Claims 2-7, 16-21, 30-25, and 43 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Losh, in view of Leung and Seppanen et al., U.S. Patent No. 5,903,832 (“Seppanen”).

Claims 11-14, 25-28, 39-42, 44-47, 49-52, and 54-57 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Losh, in view of Leung, Seppanen, and Nystrom et al., U.S. Patent No. 6,526,091 (“Nystrom”).

Applicant respectfully traverses these rejections as discussed below.

**Claims 1, 15, and 29**

Regarding the Examiner's rejection of Claims 1, 15, and 29 over Losh and Leung, Applicant respectfully re-submits that the cited combination of references fails to teach or suggest at least performing cell detection by detecting scramble codes of a visiting cell and a neighboring cell and controlling to write the detected scramble codes in memory, as claimed.

In response to Applicant's submission of this arguments in Applicant's Response filed August 31, 2004, the Examiner asserts that the scanner 66 of Losh measures signal characteristics of signals from the antenna 54, and therefore, "detects/identifies/notices/senses" the codes via the antenna 54 prior to scanning. (Office Action, p. 17). The Examiner further asserts that the scanner 66 detects the scramble codes of a visiting cell and a neighboring cell, as evidenced by the neighboring cell list, which the Examiner asserts comprises a combined list of the visiting and neighboring cells. (Office Action, p. 17). Finally, the Examiner asserts that the controller 56 of Losh controls to write scramble codes detected by the scanner 66 into the memory 58. (Office Action, p. 17).

In response to these arguments, Applicant submits that the system described in Losh, including the antenna 54, the scanner 66, the controller 56, and the memory 58, referred to by the Examiner fails to obviate the limitations of the present invention as described in Claims 1, 15, and 29.

First, according to Losh, the scanner 66 does "measure signal characteristics of signals from other cells as such signals are received by antenna 54." (Col. 7, lns. 65-67). However, even

assuming, *arguendo*, that this means that the scanner performs cell detection by detecting scramble codes as asserted by the Examiner, the scanner fails to “measure signal characteristics” (or to detect scramble codes) of a visiting cell and a neighboring cell, as claimed. As described, the scanner measures signal characteristics of signals from *other cells*” (*emphasis added*). In other words, the scanner only measures signal characteristics of cells other than the cell in which the subscriber unit is currently present (the visiting cell). This is also explained in Figure 3 and at col. 6, lns. 45-47 and lns. 59-60, which indicate that the scanner scans the cells of the “idle mode neighbor list” (step 210) or of the “active mode neighbor list” (step 216), neither of which contain the cell in which the subscriber is currently present. (As shown in Figures 5-7, and as described at col. 4, lns. 39-63 and at col. 5, ln. 56 to col. 6, ln. 5, “According to an important aspect of the present invention,” the idle mode neighbor list, the active mode neighbor list, and any list for any other possible mode include neighbor identifiers for cells surrounding the selected cell, C0, but not for the selected cell. Rather these lists are derived from a candidate scan list, which is a list of all cells surrounding the selected cell.) Therefore, contrary to the assertions of the Examiner, Losh fails to teach or suggest performing cell detection by detecting scramble codes of a visiting cell and a neighboring cell, as claimed.

Second, Losh fails to teach or suggest controlling to write *the detected* scramble codes in memory, as claimed. As discussed above, the Examiner asserts that the scanner 66 detects scramble codes, and that the controller 56 controls to write the detected scramble codes in memory 58. However, even assuming, *arguendo*, that scanner 66 detects scramble codes as asserted by the Examiner, the controller fails to write any such scramble codes in to any memory.

The Examiner refers to neighbor scan list 68 (illustrated in Figure 4 as within the scanner 66) and scan list 60 (illustrated in Figure 4 as within the memory 58) as evidence that the controller 56 writes scramble codes detected by the scanner 66 into memory. However, contrary to the assertions of the Examiner, and as submitted in Applicant's August 31 Response, as described in Losh, the candidate scan list 60 is transmitted to a subscriber unit over a paging channel. (Col. 6, lns. 23-27). Therefore, the cells and corresponding cell identifiers which are stored within the candidate scan list are not detected, but are rather merely received via a paging channel. Further, as described, the candidate scan list received via the paging channel itself is not detected by the scanner, but is merely relayed by the receiver 52 to the controller 56. (Figure 4 and col. 7, lns. 43-45). Also, as described in Losh, the cells and corresponding cell identifiers which are stores within the idle mode neighbor list, the active mode neighbor list, and any other neighbor lists associated with any other modes, are not detected by the scanner 66, but are rather merely selected and derived from the candidate scan list based on the mode instructions 62 stored in the memory 58. (Figure 3, step 208; Figure 4; col. 4, lns. 39-63; and col. 6, lns. 42-44). Therefore, contrary to the assertions of the Examiner, Losh fails to teach or suggest controlling to write detected scramble codes in a memory, as claimed.

Therefore, for at least the above-presented reasons, Applicant submits that Claims 1, 15, and 29 are patentable over the cited combination of references and respectfully requests that the §103(a) rejection of these claims be reconsidered and withdrawn.

**Claims 2-7, 11-14, 16-21, 25-18, 30-35, 39-47, 49-52, and 54-57**

With respect to the Examiner's rejections of Claims 2-7, 11-14, 16-21, 25-18, 30-35, 39-47, 49-52, and 54-57, Applicant submits that these claims are patentable at least by virtue of their dependence on Claims 1, 15, and 29, and for the additional reasons previously set forth in Applicant's August 31 Response, which is incorporated herein by reference.

**New Claims 58-63**

With this Amendment, Applicant adds new Claims 58-63. As discussed above, these new claims incorporate the subject matter of Claims 8, 22, and 36, as they were previously alternately dependent. Therefore, no new matter is added. Applicant respectfully requests the allowance of new Claims 58-62.

**Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

**AMENDMENT UNDER 37 C.F.R. § 1.116**  
U.S. Application No. 09/661,195

**Q60810**

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Laura Moskowitz  
Registration No. 55,470

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE  
**23373**  
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